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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

MONTE RUSSELL and DANIEL
FRIEDMAN, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

WELLS FARGO AND COMPANY and
WELLS FARGO BANK, N.A.,

Defendants.

CASE NO: C 07 3993 CW

JUDGE CLAUDIA WILKEN
COURTROOM 2

**STIPULATION RE:
TRANSFER OF RICHARD RODNEY
TUCKER;
~~PROPOSED~~ ORDER
APPROVING TRANSFER**

MARTIN LEWIS, AARON COOPER, and
ANISSA SCHILLING, on behalf of themselves
and a class of those similarly situated,

Plaintiffs,

v.

WELLS FARGO & CO.,

Defendant.

CASE NO. C 08-02670 CW

Plaintiffs Monte Russell and Daniel Friedman (“*Russell* Plaintiffs”) and Defendants Wells Fargo Bank, N.A., and Wells Fargo & Company, who are parties in *Russell, et al. v. Wells Fargo & Co., et al.*, Case No. C-07-3993 CW (N.D. Cal.) (“*Russell*”), and Plaintiffs Martin Lewis, Aaron Cooper, and Anissa Schilling (“*Lewis* Plaintiffs”) and Defendant Wells Fargo & Co., who are parties in *Lewis, et al. v. Wells Fargo & Co.*, Case No. C 08-02670 CW, through their respective counsel, hereby stipulate as follows:

WHEREAS, this Court deemed the *Russell* and *Lewis* lawsuits as related pursuant to Local Rule 3-12 by way of Order dated June 11, 2008 (*Russell* Docket No. 28);

1 WHEREAS, Richard Rodney Tucker signed a document entitled Consent to Join the
2 FLSA Collective Action (“Consent Form”), thereby giving his consent to become a party
3 plaintiff in the *Russell* action;

4 WHEREAS, on October 2, 2008, Plaintiffs’ counsel in *Russell* filed a Notice of Filing
5 Consent to Become a Party Plaintiff, which included Mr. Tucker’s Consent Form (“Notice”)
6 (*Russell* Docket No. 65);

7 WHEREAS, counsel for *Russell* Plaintiffs, *Lewis* Plaintiffs and Defendants subsequently
8 learned that Mr. Tucker worked for Defendants as a Network Analyst 2 from on or about July 1,
9 2006, to on or about November 25, 2006, and therefore does not satisfy the definition of the
10 class conditionally certified in the *Russell* action, but does satisfy the definition of the class
11 conditionally certified in the *Lewis* case;

12 WHEREAS, all parties agree to the transfer of Mr. Tucker’s Consent Form from the
13 *Russell* action to the *Lewis* action with the effective opt-in date of October 2, 2008;

14 NOW, THEREFORE, through their respective counsel, THE PARTIES HEREBY
15 STIPULATE AS FOLLOWS:

16 1. Richard Rodney Tucker’s October 2, 2008 Consent to Join the FLSA Collective
17 Action is hereby withdrawn from the *Russell* matter and transferred to the *Lewis* matter;

18 2. Mr. Tucker is no longer a party plaintiff to the *Russell* action;

19 3. Mr. Tucker’s rights shall be determined as though he never signed a Consent
20 Form in the *Russell* matter;

21 4. Instead, Mr. Tucker’s rights shall be determined as though he signed and caused
22 to be filed a Consent Form in the *Lewis* matter with an opt-in date of October 2, 2008.

**LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON**

DATED: June 3, 2010

By: /s/ T. Joseph Snodgrass
T. JOSEPH SNODGRASS

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DATED: June 3, 2010

By: /s/ Jahan C. Sagafi
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DATED: June 3, 2010

By: /s/ Theresa A. Kading
THERESA A. KADING

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JOAN B. TUCKER FIFE
EVAN R. MOSES
AUDREY SHEN CHUI**

DATED: June 3, 2010

By: /s/ Joan B. Tucker Fife

Attorneys for Defendant WELLS FARGO &
COMPANY

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Richard Rodney Tucker's October 2, 2008 Consent to Join the FLSA Collective Action is hereby withdrawn from the *Russell* matter and transferred to the *Lewis* matter;
2. Mr. Tucker is no longer a party plaintiff to the *Russell* action;
3. Mr. Tucker's rights shall be determined as though he never signed a Consent Form in the *Russell* matter;
4. Mr. Tucker's rights shall be determined as though he signed a Consent Form in the *Lewis* matter with an opt-in date of October 2, 2008.

Dated: **September 8** __, 2010

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', is written over a horizontal line.

THE HONORABLE CLAUDIA WILKEN
DISTRICT COURT JUDGE